

REMARKS**Reply to Restriction Requirement**

The Examiner required that Applicants select one of the three inventions for the prosecution on merits. The Examiner restricted the claims to the following three groups:

Group I, Claims 25-43 and 50-51, drawn to a proton-conducting polymer membrane and a process of making same.

Group II, Claims 44-46, drawn to an electrode.

Group III, Claims 47-49, drawn to a membrane electrode assembly.

Applicants hereby provisionally select the invention of Group I, Claims 25-43 and 50-51. This is a provisional election pending the outcome of the traversal of the instant restriction. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Applicants traverse the restriction of Groups I, II and III and request rejoinder.

The Examiner stated that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical feature under PCT Rule 13.2. The Examiner stated that the special technical feature of Group I, the proton-conducting polymer membrane, is not present in Groups II and III.

Applicants respectfully disagree with the Examiner.

Applicants first note that the invention was not found to lack unity during the preliminary examination by the International Examination Authority.

Applicants further note that Rule 13.2 defines the “special technical feature” as a technical feature that defines *a contribution which the invention, considered as a whole, makes over the prior art*.

Applicants note that Claims 25, 44 and 48 share steps (a) and (b); in step (c) the mixture of steps (a) or (b) are applied to a support (in Claims 25 and 48) or electrode (Claim 44); and step (d) of Claims 25, 44 and 48 requires polymerization of the vinyl-containing sulfonic acids. These common limitations can be considered to be a special technical feature.

Under the definition of the “special technical feature” provided by PCT Rule 13.2, in order to show that Groups I-III lack unity, the Examiner must provide evidence such as a prior art reference showing that these features do not define a contribution over the prior art. The Examiner has not cited any prior art or provided any other evidence to show that these features do not define a contribution over the prior art. Accordingly, Applicants submit that the instant restriction requirement is improper and should be withdrawn.

Reconsideration and withdrawal of the restriction are respectfully requested.

Reply to a Requirement for the Election of Species

The Examiner issued a requirement for the election of species. The Examiner stated that Claims 25, 44, 47 and 50 are generic. The Examiner identified seven species:

- Species a, Claims 25-26, aromatic tetraamino compound;
- Species b, Claims 25, 27, 29, aromatic carboxylic acid; (Applicants note that Claim 29 depends on Claim 28, which the Examiner identified as readable on a separate species.)
- Species c, Claim 28, aromatic tricarboxylic acid; (It is Applicants’ understanding that Claim 29 should properly be listed as readable on Species c.)
- Species d, Claim 31, heteroaromatic carboxylic acid;
- Species e, Claim 32, a pyridine derivative;
- Species f, Claims 34 and 36, species of substituents R, Z and A;
- Species g, Claims 44, 48 and 50, a species of components in step (A);

Responsive to the requirement for the election of species, Applicants elect the following for the purposes of searching:

- Species a: 3,3',4,4'-tetraaminobiphenyl. Claims readable on the elected species are Claims 25, 26 and 50.
- Species b: terephthalic acid. Claims readable on the elected species are Claims 25, 27 and 50.
- Species c: 1,3,5-benzenetricarboxylic acid (trimesic acid). Claims readable on the elected species are Claims 25, 28, 29 and 50.
- Species d: heteroaromatic dicarboxylic acids. Claims readable on the elected species are Claims 25, 31 and 50.

- Species e: pyridine-2,5-di-carboxylic acid. Claims readable on the elected species are Claims 25, 32 and 50.
- Species f: R is a bond, Z is hydrogen, and A is a is hydrogen. Claims readable on the elected species are Claims 25, 34, 36 and 50.
- Species g: tetraamino compounds is 3,3',4,4'-tetraaminobiphenyl; aromatic carboxylic acids is terephthalic acid; and vinyl-containing sulfonic acid is vinylsulfonic acid. Claims readable on the elected species are Claims 25, 44, 48 and 50.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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